

JOSEPH J. MARAZITI, JR.
CHRISTOPHER H. FALCON
DIANE ALEXANDER†
ALBERT I. TELSEY†
ANDREW M. BREWER
BRENT T. CARNEY
SHARON L. COLE
LEIGH C. LEVENTHAL

MARAZITI
& FALCON
HEALEY
LLP
ATTORNEYS AT LAW

150 JOHN F. KENNEDY PARKWAY
SHORT HILLS, NEW JERSEY 07078

PHONE (973) 912-9008
FAX (973) 912-9007
EMAIL
MFH@MFHENVLAW.COM
WWW.MFHLAW.COM

OF COUNSEL
LEAH C. HEALEY*
*ALSO MEMBER PA BAR
*ALSO MEMBER NY BAR

Direct Dial No. (973) 912-6818

November 28, 2006

Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2006 DEC 11 A 9 57

Re: In the Matter of Club for Growth, Inc., PAC; Walberg for Congress; Bruce Bent,
Robert Lansing, David MacNeil, Virginia Manheimer, William T. Wolf and Betty
Wolfe
MUR 5881

Dear Mr. Jordan:

Please be advised that I have been designated as counsel by David MacNeil in regard to the above referenced matter.

In that capacity and as set forth in your letter to Mr. MacNeil dated November 21, 2006, I have enclosed the following documents to be considered by the Federal Election Commission in connection with the reference Complaint:

Affidavit of David MacNeil Denying the Factual Allegations Set Forth in the Complaint Regarding the Claim Against Him

Statement of Designation of Counsel

As you will learn from the enclosed Affidavit of my client, the allegations against him in the Complaint are based upon totally erroneous factual assertions. In short, Mr. Mac Neil categorically denies not only that he contributed any sum in excess of \$5,000 to the CFG-PAC,

27044183381

but also that he had any actual knowledge that the Club for Growth would spend a substantial portion of his contribution in aid of the Walberg for Congress campaign.

On the basis of this correction of the factual record, by copy of this letter to Matt Marsden representative of Schwarz for Congress, I urge that the Complaint be voluntarily withdrawn by the Complainant as it relates to Mr. MacNeil, or in the alternative that the Commission determine to dismiss it forthwith.

Please advise at your earliest opportunity of the position of the Commission in light of the correction of the factual record by Mr. MacNeil.

Very truly yours,


Joseph J. Maraziti, Jr.

JJM:smw

Enclosures

c: David MacNeil
Matt Marsden, Chief of Staff

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

CLUB FOR GROWTH, INC., PAC
2001 I Street N.W., Suite 600
Washington, D.C., 20036

MUR 5881

WALBERG FOR CONGRESS
6769 Teachout Road
Tipton, MI 49287

**AFFIDAVIT OF DAVID MacNEIL
DENYING THE FACTUAL
ALLEGATIONS SET FORTH IN
THE COMPLAINT REGARDING
THE CLAIM AGAINST HIM**

BRUCE BENT, ROBERT LANSING,
DAVID MacNEIL, VIRGINIA MANHEIMER,
WILLIAM T. WOLF, and BETTY WOLFE

STATE OF NEW JERSEY)
)ss:
COUNTY OF MORRIS)

I, David MacNeil, of full age, upon my oath deposes and says that:

1. I have read the Complaint filed in the above referenced matter and have also read the letter addressed to me dated November 21, 2006 by Jeff S. Jordan, Supervising Attorney, Complaints Examination & Legal Administration.
2. Paragraph 10 of the Complaint alleges that I am one of eight individuals who "...gave contributions in 2006 to the CFG-PAC which exceeded \$5,000." I categorically deny the truth of that allegation. Although I did contribute the sum of \$5,000 to the CFG-PAC in 2006, I did not make the additional contribution of \$1,000 that is attributed to me on the spreadsheet on the computer disc attached as Exhibit 4, CFG-PAC. I am at a loss to explain how that erroneous entry was made, but absolutely deny that it is correct.
3. Paragraph 22 of the Complaint alleges "upon information and belief" that I knew that a substantial portion of my contributions to the CFG-PAC would be expended to support Walburg for Congress that such knowledge constitute a knowing violation of the campaign

27044183383

limits applicable to federal candidates. Once again, I categorically deny that I had actual knowledge that the Club for Growth PAC would make substantial contributions to the Walburg for Congress campaign. In making my contribution to CFG-PAC I neither had the intention to provide funding above the limits for individuals to a federal candidate, nor did I have any means to control the decisions made by the Club for Growth in terms of amounts or recipients of funding provided to particular candidates.

4. For the reasons stated in this statement made by me, under oath, I respectfully request that no action be taken against me in the above matter and that the Compliant, to the extent that it seeks any relief against me, be dismissed.

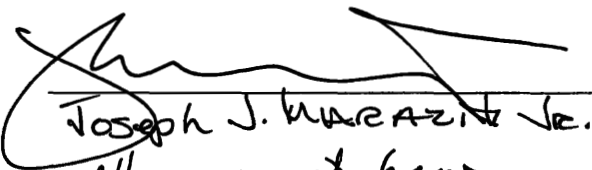


DAVID MacNEIL

Sworn and subscribed to

before me this 28th day

of November, 2006



Joseph J. MacAzin Jr.

Attorney at Law
State of New Jersey

27044183384



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-3923

MUR # 5881

NAME OF COUNSEL: Joseph J. Maraziti, Jr., Esq.

FIRM: Maraziti, Falcon & Healey, LLP

ADDRESS: 150 John F. Kennedy Parkway

Short Hills, NJ 07078

TELEPHONE- OFFICE (973) 912-9008

FAX (973) 912-9007

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

11-26-06
Date

David B MacNeil
Respondent/ Client Signature

Title

RESPONDENT/CLIENT: David MacNeil

MAILING
ADDRESS: _____

Chatham, NJ 07928

TELEPHONE- HOME

BUSINESS (212) 649-0621

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation